AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/005667

Filing Date: November 2, 2001

Title: METHOD OF FABRICATING AN INTEGRATED CIRCUIT HAVING A MEMS DEVICE

Assignee: Intel Corporation\_

#### REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on May 23, 2003, and the references cited therewith. Claims 1-28 are canceled, and claims 29-45 are added; as a result, claims 29-45 are now pending in this application.

### **Specification**

The specification was objected to due to informalities. Applicant has amended the specification beginning on page 4, line 22 to address the Examiner's objection.

# Claim Objections

Claims 3-11 and 22 are objected to due to informalities. Applicant has canceled claims 1-28 such that the Examiner's objections are now moot.

#### Examiner Interview

Applicant's attorney would like to thank Examiner Brophy for her courtesy during the telephone interview held on July 1, 2003. Examiner Brophy discussed the scope of the cited references with Applicant's attorney. Applicant's attorney and Examiner Brophy agreed that the amended claims overcome the references cited in the pending rejections.

## §102 Rejection of the Claims

Claims 1, 2, 10-14, 19 and 22 were rejected under 35 USC § 102(b) as being anticipated by Schubert et al. (U.S. 5,721,162). Applicant has canceled claims 1-28 such that the rejection is now moot.

Claims 1-22 were rejected under 35 USC § 102(e) as being anticipated by Tilmans et al. (U.S. 6,297,072). Applicant has canceled claims 1-28 such that the Examiner's objections are now moot.

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#### Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Andrew Peret at (262) 646-7009, or the below signed attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

QING MA

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. Attorneys for Intel Corporation P.O. Box 2938 Minneapolis, Minnesota 55402 612-349-9592

Date July 24, 2003

By Onn M. McCeachi
Ann M. McCrackin

Ann M. McCrackin Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of July, 2003.

Emily Bates

Signature

Name